

DERICK WEWERKA,)
)
 Plaintiff,)
)
 v.) No. 4:09CV1973RWS
)
 DON ROPER, et al.,)
)
 Defendants.)

Plaintiff Derick Wewerka, an inmate with the Missouri Department of Corrections, has filed suit against several current and former correctional employees. On April 14, 2010, Wewerka moved this Court to appoint counsel to represent him in his civil rights lawsuit.

There is no constitutional or statutory right to appointed counsel in a civil case. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, a court considers several factors including (1) whether the plaintiff has presented non-frivolous allegations supporting his prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. See Battle v.

Armontrout, 902 F.2d 701, 702 (8th Cir. 1990); Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

After considering these factors, the Court believes that the facts and legal issues involved at this point in Wewerka's case, namely the issue of whether Wewerka properly exhausted his administrative remedies before bringing this lawsuit, are not so complicated that the appointment of counsel is warranted at this time. Therefore, the Court will deny Wewerka's motion without prejudice.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff Derick Wewerka's motion for the appointment of counsel [#19] is **DENIED** without prejudice.

Dated this 15th Day of July, 2010.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE